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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHUNG, JI YONG DAVID

ART UNIT PAPER NUMBER

2143

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/027,302	<b>Applicant(s)</b> BOUET, STEPHANE	
	<b>Examiner</b> Ji-Yong D. Chung	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/11/2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Remarks*

1. Applicant's arguments and amendments filed on July 11, 2005 have been carefully considered but they are not deemed fully persuasive.

Applicant's main argument on page 9 of the Amendment seems to be that, with regard to independent claims, "the cited reference (Dan) neither teaches nor suggests transmitting image data in addition to the content associated with the ongoing packet transfer for display on a display of the receiving device during the ongoing packet transfer."

Examiner respectfully disagrees. Many web pages generally have images, as shown in Fig. 21 in Dan. Furthermore, the images can be transferred concurrently, with other objects within the same web page; it is part of HTTP protocol to allow concurrent transfer of object data (which include images) and therefore applies to the limitation at hand.

### *Claim Rejections - 35 USC § 102*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. **Claim 1-3 and 11-13, 16, 17, 21, 24-26, and 29-31** are rejected under 35 U.S.C. 102(e) as being anticipated by Dan et al (Dan hereinafter).

In reference to **claim 1**, Dan shows *a method of transmitting objects during an ongoing packet transfer operation in which packets of content are transferred between a sending device*

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*and a receiving device, image data in addition to said content* [See Fig. 1 for Browser and Web Server. See Fig. 21 for image data in addition to said content, or see lines 20-29, column 17 for including “banner object”, which is a picture in the header]

*wherein said packet transfer is comprised of a plurality of packets defined in accordance with a transfer protocol* [Each unit of information is given in a single “packet” or an HTML document]

*the method comprises the step of transmitting the object with the packets associated with said packet transfer between the sending device and the receiving device* [The server or browser transmits “the object”]

*for display on a display associated with the receiving device during said ongoing packet transfer.* Display is the web browser. See line 41-44, column 9. HTTP protocol allow display of downloaded objects prior to the completion of the page transfer, or in other words, during packet transfers. See lines 10-35, column 10 for the description of “device.”

In reference to **claim 2**, Dan shows elements of claim 1,

*wherein the packets are further comprised of a plurality of packet headers and data packets defined in accordance with a transfer protocol* [HTML documents have headers and bodies, see Fig. 9 and line 34-36, column 7 for the header. See Fig. 7 for the body (“data”)];

*whereby said method further comprises the step of transmitting the image data within the packet headers of the data transfer* [See lines 20-29, column 17 for including banner object within the header].

In reference to **claim 3**, Dan shows that *the objects include a picture or a plurality of pictures for transmission the receiving device*. [See lines 20-29, column 17 for including “banner object”, which is a picture].

**Claims 11-13** substantively restate the limitations of claims 1-3, but in apparatus form rather than in method form. The reasons for the rejections of claims 1-3 apply to claims 11-13. Therefore, claims 11-13 are rejected for substantially the same reasons.

In reference to **claim 16**, Dan shows *a method according to claim 1 wherein the image data is transmitted in one or more of the plurality of packets associated with said ongoing packet transfer*. See lines 20-29, column 17. The picture (“banner ad object”) is image data.

In reference to **claim 17**, Dan shows *a method according to claim 16 wherein the image data is encapsulated into one or more headers of the packets associated with the ongoing packet transfer*. See lines 20-29, column 17. The picture (“banner object”) is image data. The image data is “encapsulated” in the document header within the packets associated with the ongoing packet transfer.

**Claims 21 and 24-26** substantively restate the limitations of claims 17, 1, 16, and 17, but in apparatus form rather than in method form, respectively. The reasons for the rejections of claims 17, 1, 16, and 17 apply to claims 21 and 24-26, respectively.

**Claim 29** substantively restates the limitations of claims 1, even though limitations are phrased differently and they are addressed to apparatus. The reasons for the rejections of claim 1 apply to claim 29.

**Claims 30 and 31** substantively restate the limitations of claims 16, and 17, but in apparatus form rather than in method form, respectively. The reasons for the rejections of claims 16 and 17 apply to claims 30 and 31, respectively.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. **Claim 5 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan in view of Hines et al (Hines hereinafter).

In reference to **claim 5**, Dan does not show but Hines shows embedding MPEG in HTML [See claim 3 of Hines]. Hines meets claim 5's limitations because MPEG format contains fields that are stated in claim 5's limitation. The reference document Dali: MPEG Video – C API explains MPEG format.

As Dali: MPEG Video – C API reference shows, MPEG format meets the following elements of claim 5: *fields for SeriesSize for specifying the size of the picture series* [See numElements of MpegVideoIndex, in page 4], *PictureRefreshTime for specifying the length of*

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*time the picture is displayed* [See picture\_rate of MpegSeqHdr in page 1, which specifies the time delay between frames], *a PictureSize for specifying the size of the picture* [See width and height in MpegSeqHdr in page 1], *and the picture data* [The body of MPEG file contains video or “picture data.”].

In reference to **claim 6**, Dan does not show but Hines shows embedding MPEG in HTML [See claim 3 of Hines]. As Dali: MPEG Video – C API reference shows, MPEG format meets the following elements of claim 6: *subsequent header for a subsequent picture in the series includes a TrasferStatus field for indicating the last picture of the series* [See SEQ\_END\_CODE under **Start Codes** section, page 6],

6. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dan in view of Bell.

In reference to **claim 10**, Dan does not show but Bell shows *transmissions in accordance with the Object Exchange (OBEX) transfer protocol in a short range communication operating environment* [See lines 27-52, column 2 of Bell.].

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Dan’s features with the above feature that Bell shows, because, as stated in lines 29-33 of Bell, Bell’s invention allows one to “[edited] convey, i.e., receive, transmit, or exchange, data objects of different types such as virtual business cards, virtual calendars, virtual notes, or any other suitable data objects.”

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7. **Claims 4, 7, 14, 15, 20, 23, and 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan in view of Yu et al (Yu hereinafter).

In reference to **claim 4**, Dan does not show but Yu shows that *individual pictures are transmitted for display in succession on the receiving device to be viewed as a mini-clip*. See lines 10-25 in column 7. Images are transmitted in reduced form.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Dan's features with the above feature that Yu shows, because, as stated in lines 42-45 of Yu, Yu's invention "[edited]provides a generic solution to two-way communication mobile devise that can effectively interact with a data network, such as the Internet, for images." The mechanism allows one to deal with the problem described in lines 56-61, column 1 of Yu.

In reference to **claim 7**, Dan does not show but Yu shows the picture in *segments is performed over multiple Application Parameters headers when the picture is too large to fit into a single header*. See Fig. 6A and from line 57, column 7 to line 32, column 8 of Yu. First, reduced images are sent when the images cannot be displayed in its full resolution. User can choose to see each subdivisions of the picture, in a specific number of iterations.

With respect to **claim 14**, Dan does not show but Yu shows that *sending device is a wireless sending device* [See item 108, Fig. 1 of Yu].



With respect to **claim 15**, Dan does not show, but Yu shows that *the receiving device is a wireless mobile terminal having a graphics capable display* [See Fig. 2, Yu. Note that the illustrated device is capable of displaying graphics].

With respect to **claim 20**, Yu shows *the image data and the content are transmitted wirelessly*. See lines 10-25 in column 7. Images (and thus content) are transmitted in reduced form. See item 108, Fig. 1 of Yu. Data is transmitted wirelessly.

**Claims 23 and 34** substantively restate the limitations of claim 20, but in apparatus form rather than in method form. The reasons for the rejections of claim 20 apply to claims 23 and 34.

8. **Claims 8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan in view of Yu et al (Yu hereinafter) and further in view of Hines.

In reference to **claims 8 and 9**, their limitations have been discussed with respect to claims 5 and 6. The statement of obviousness with respect to the claims 5 and 6 are as same as those given during the discussion of claims 1-7 and 10-15, in view of the references Dan, Hines, and Yu.

9. **Claims 18, 19, 22, 27, 28, 32, and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dan.

In reference to **claim 18**, Dan does not show *the headers include parameters that control the display of the image data on a display of the receiving device during the ongoing packet transfer*. However, Dan shows HTML tags and their use for creating HTML documents.

It would have been obvious to one of ordinary skill in the art at the time of the invention to insert image and its associated display parameters in the banner (in Fig. 9) using <IMG src="filename" width=y height=y> tag of HTML, so that the displayed image fits in the page that displays the image.

In reference to **claim 19**, Dan does not show to claim 1 *wherein the image data is displayed in lieu of content during said ongoing packet transfer*. However, Dan shows HTML tags and their use for creating HTML documents.

It would have been obvious to one of ordinary skill in the art at the time of the invention to insert image and its associated display parameters in the banner (in Fig. 9) using <IMG src="filename" ALT="content data"> tag of HTML, so that in lieu of text data, the image data is displayed.

**Claims 22 and 27** substantively restate the limitations of claim 18, but in apparatus form rather than in method form. The reasons for the rejections of claim 18 apply to claims 22 and 27.

**Claim 28** substantively restates the limitations of claim 19, but in apparatus form rather than in method form. The reasons for the rejections of claim 19 apply to claim 28.

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**Claims 32 and 33** substantively restate the limitations of claims 18 and 19, but in apparatus form rather than in method form. The reasons for the rejections of claims 18 and 19 apply to claims 32 and 33.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji-Yong D. Chung whose telephone number is (571) 272-7988. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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